

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 31, 2000

DIVISION ONE

B128512 Russo (Not for Publication)
v.
City of Los Angeles

The judgment is reversed. The trial court is directed to grant the petition. Plaintiff is to recover costs on appeal.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B125376 Williams (Not for Publication)
v.
Murray

The order denying the petition of Irene Williams for the removal of Brian Murray as the limited conservator of Heather Murray is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B131752 Sulzman et al. (Not for Publication)
 v.
 Vista Del Mar Child & Family Services

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B128165 Alvarez (Not for Publication)
 v.
 Gramercy Escrow Corp.

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
 Ortega, J.

B128553 Bi-Rite Meat & Provisions Co. (Not for Publication)
 v.
 Moskowitz et al.

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B128470 Haase et al. (Not for Publication)
v.
Ellenburg Capital Corp.

We reverse the order disallowing Parkbridge's claim. We remand the case for the trial court to consider the claim on its merits. Parkbridge is entitled to its costs.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B132104 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Elizabeth M. et al.

The order of May 18, 1999, continuing grandmother's legal guardianship of minors Jamie R., Juan M., and Angel M., is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B132704 People (Not for Publication)
v.
Massey

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B127781 People (Not for Publication)
v.
Mack

The judgment is modified to reflect the imposition of a \$600 parole revocation fine. As so modified, the judgment is affirmed. The clerk of the trial court is directed to prepare a corrected abstract of judgment and forward a copy to the Department of Corrections.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

B131951 People (Not for Publication)
v.
Oscar V.

The order of commitment made on March 29, 1999 is modified to reflect that appellant's maximum term of confinement is three years and eight months. As modified the order is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B121801 People (Not for Publication)
v.
Allison

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

January 31, 2000-Continued

DIVISION ONE (Continued)

B129978 People (Not for Publication)
v.
Williams

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B133583 People v. Stevens (Not for Publication)

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

B133594 People (Not for Publication)
v.
Elmuhammad

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION ONE (Continued)

B129162 People (Not for Publication)
v.
Romero et al.

The judgments are affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

B136598 Ashley E. (Not for Publication)
v.
Superior Court, Los Angeles County
(DCFS, r.p.i.)

Petition denied by opinion.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

B132743 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Bruce W.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Cooper, J., Mallano, J. (Assigned), Goodman, J. (Assigned) and G. Villanueva, Deputy Clerk.

Each of the following:

B131484 People v. Lopez
B128356 People v. Taylor
B126681 People v. Unden
B128474 People v. Rogelio R.
B129797 People v. Wren
B115086 Safieslamy v. Blanco
B122914 People v. Williams & Roberts

Argument waived, cause submitted.

B129075 People
 v.
 Hernandez

Merits:

Argued by Cynthia DeLeon, deputy attorney general, for respondent.
Daniel Koryn for appellant waives oral argument. Cause submitted.

Goodman, J. (Assigned) leaves the bench.

B131329 People
 v.
 Longenbach

Merits:

Argued by Steven Flowers for appellant and by Karen Bissonnette, deputy attorney general, for respondent. Cause submitted.

DIVISION TWO (Continued)

B118647 Washington
 v.
 Single Room Occupancy

Merits:
Argued by Kriss Halpern for appellant and by Alexander Giovanniello for respondent. Cause submitted.

B116009 Bitmayl
 v.
 Steiner

Merits:
Argued by Edward Bitmayl, appellant in propria persona, and by Denise Howell for respondent. Cause submitted.

B122717 United States Elevator Corp.
 v.
 Comfort California, Inc.

Merits:
Argued by Christopher Olsen for appellant and by Christopher Ramsey for respondent. Cause submitted.

B132123 Rogers
 v.
 C.W. Cook Co.

Merits:
Argued by Joseph Faucher for appellant and by Richard Nakamura, Jr. for respondent. Cause submitted.

DIVISION TWO (Continued)

B129299 Carballo
 v.
 HIH America, Inc.
 Glendale Memorial Hospital

Merits:

Argued by Clayton Robins for appellant, by Gary Baugue for respondent HIH America and by Bethany Pelliconi for respondent Glendale Memorial Hospital. Cause submitted.

B130247 Howard Jarvis Taxpayers
 v.
 City of Los Angeles

Merits:

Argued by Ricahrd Fine for appellant and by Judith Reel, deputy city attorney, for respondent. Cause submitted.

B128142 Meyer
 v.
 Jay Silverman Productions
 Smithkline Beecham

Merits:

Argued by Debra Koven for appellant, by Robert Mann for respondent Jay Silverman, by Bruce Benjamin for respondent Smithkline Beecham and by Lawrence Ecoff for respondent Sunset Nest. Cause submitted.

Mallano, J. (Assigned) leaves the bench.

B129613 Barnes
 v.
 Bally Total Fitness
 Delta Elevator

Merits:

Argued by Mary Edlund for appellant, by Jack Nick for respondent Bally Total Fitness and by Richard Scott for respondent Delta Elevator. Cause submitted.

DIVISION TWO (Continued)

B128388 Burt & Bert Productions
 v.
 Walt Disney Co

Matter ordered off calendar.

Court adjourned.

B129252 People (Not for Publication)
 v.
 Kimble

The judgment is affirmed.

Boren, P.J.

We concur: Cooper, J.
 Mallano, J. (Assigned)

B128693 People (Not for Publication)
 v.
 Montoya et al.

The judgment is affirmed with directions to the clerk of the court to correct the abstracts of judgment for appellants Montoya and Rivera to reflect the parole revocation fine imposed and to transmit the corrected abstracts to the Department of Corrections.

Boren, P.J.

We concur: Nott, J.
 Mallano, J. (Assigned)

DIVISION TWO (Continued)

B120711 People (Not for Publication)
v.
McCoy

The judgment is modified to impose a parole revocation fine of \$10,000 pursuant to section 1202.45, which shall remain suspended unless and until appellant violates parole. The clerk of the superior court is directed to prepare an amended abstract of judgment reflecting that separate restitution fines were imposed pursuant to sections 1202.4 and 1202.45, and to forward the amended abstract to the appropriate correctional authorities. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Mallano, J. (Assigned)

B118904 People (Not for Publication)
v.
Goodwin

The judgment of conviction of violation of Penal Code section 69 as alleged in count 2, the three-year sentence on count 2, the two 1-year enhancements imposed under Penal Code section 667.5, subdivision (b), and the restitution fine in the amount of \$2,500 imposed pursuant to Penal Code section 1202.4, subdivision (b), are reversed, and the matter is remanded for further proceedings consistent with this opinion. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Cooper, J.

DIVISION THREE

B125605 Sandy Lang et al. (Certified for Partial Publication)
 v.
 Alan Hochman et al.

The judgment is affirmed. MDH to pay Lang costs on appeal.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

B122490 People (Not for Publication)
 v.
 Robert John Simon

The findings Simon was previously convicted of attempted robbery and burglary for purposes of section 666 are reversed. His conviction of petty theft with a prior in violation of section 666 is reduced to a conviction of misdemeanor petty theft in violation of section 488, and the matter is remanded for resentencing in accordance with this opinion. At resentencing, the People may, if they so choose, retry Simon on the prior burglary allegations to prove those convictions were theft-related. In all other respects, the judgment is affirmed.

Kitching, Acting P.J.

We concur: Aldrich, J.
 Schneider, J. (Assigned)

B125431 Rebecca Katabalwa (Not for Publication)
 v.
 Wells Fargo Guard Services
 ITT Sheraton Corp.

The judgment is reversed. Appellant(s) to recover costs.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B122130 Clara Gutierrez (Not for Publication)

v.

Los Angeles Taxi Cab et al.

The order granting plaintiff a new trial is affirmed. Plaintiff's appeal from defendants' appeal is dismissed. Costs on appeal to plaintiff.

Croskey, Acting P.J.

We concur: Kitching, J.
Aldrich, J.

B108801 Lena Almasi

v.

Gourgen Almasi

Filed order vacating submission order of October 19, 1999, due to the press of court business. Cause resubmitted.

B122687 People

v.

Cipriano Gutierrez

Filed order vacating submission order of October 20, 1999, due to the press of other court business and the complexity of the issues in this case. Cause resubmitted.

DIVISION FOUR

B124938 People (Not for Publication)

v.

Moore

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B120242 Hill (Not for Publication)
v.
Hall & Phillips

We affirm the judgment (order granting summary judgment). Defendants and respondents Hall & Phillips, Phillips Cohen & Goldstein , Hall & Associates, Carlyle Hall, John R. Phillips and Ann Carlson are to recover costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

B131351 Progressive Campaigns (Not for Publication)
v.
Home Depot U.S.A. Inc., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

B119143 The Semler Companies
v.
City of Agoura Hills

Filed order denying petition for rehearing.

DIVISION FIVE (Continued)

B124181 Fidelity National (Not for Publication)
 Title Insurance Co.
 v.
 Alisa Venture

The judgment is affirmed. However, the matter is remanded for a redetermination of the amount of costs and attorneys' fees to be awarded to Venture in accordance with the views expressed herein. Costs on appeal are awarded to Venture.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

B120923 People
 v.
 Peter Anderson et al.

The Court:

The court has before it the rehearing petition for defendant, Asinia Jackson. At present, because of a severe case of influenza, Associate Justice Ramona Godoy Perez has not had an opportunity to read the rehearing petition. So as to permit her to review and rule upon the petition, on our own motion rehearing is granted. The previously filed majority and dissenting opinions are deemed refiled on the filing date of this order. The rehearing petition filed January 19, 2000, is ordered refiled February 1, 2000. This will permit the rehearing petition to be considered by the three justice panel who previously decided the present

DIVISION SIX

[illegible]

The judgment is reversed. Defendants shall bear costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B131299 People (Not for Publication)
v.
Cortez

We modify the judgment to include a \$200 restitution fine pursuant to section 1202.4, subdivision (b). We direct the trial court to amend the abstract of judgment accordingly and to forward the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B135937 People (Not for Publication)
v.
Lynn

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (Continued)

B133005 People (Certified for Publication)
v.
Ricardo A.

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.